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1890

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Bird legislation.

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LEGISLATION.

G.B.
BY ~~B. G.~~ SENNETT.

FROM THE
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1890.

BIRD LEGISLATION.

By HON. GEORGE B. SENNETT, *Eric, Pa.*

[An address at the annual meeting.]

I have great pleasure in being able to address an intelligent body of men who represent the agricultural interests of our great Commonwealth. I believe with Buckle, that no law can be of lasting benefit unless it first come from the people themselves as a recognized want of that people; that no legislator was ever statesman enough to pass a law worth anything in advance of the wants of the people whom the law was intended to benefit. Many law-making legislatures have occupied themselves with the making of many laws to such purpose, that among the immense number of existing laws the good ones can with difficulty be separated from the bad, and in the ensuing confusion few are enforced. You, whose interests are so intimately connected with the birds, should know a great deal about them and their relation to other forms of natural life. As dependents upon nature for the returns for your labor and seed, you realize continually that nature's laws and harmony must not be interfered with, or defeat and disaster will follow. You know that the vegetation you produce is likewise food for certain forms of animal life, and that man must fight continually to successfully hold his own against the depredations of this rival. Yet, in spite of this continual struggle between men and animals and between the lower forms of animal life to procure food to sustain that life, there is a general harmony between the vegetable and the animal world which can only be recklessly interfered with at the expense of both. We know that we cannot well do without insects, nor without birds; yet there are good insects and bad insects, and there are good birds and bad birds. The agriculturist must consider as his friend that bird which feeds wholly or chiefly upon his enemy, the insects; but that bird which feeds on his grain and fruit, leaving the insects comparatively undisturbed (except for its young), is certainly a bad bird for the farmer. But how is the farmer to know a good insect from a bad one or a good bird from a bad one? It is only when great waves of a certain class of insects come sweeping down almost without warning and utterly destroy a growing crop, that we find out his race is a bad one and must be outlawed. It is only when great swarms of birds settle down upon our ripening grain, that we know we cannot live on friendly terms with his species. It is when we suffer a great onslaught of these birds or insects that we know the harmony of nature has been somewhere or somehow seriously disturbed. Aside from these pronounced waves of destruction, there are constantly at work for good or evil, birds in greater or less number, whose true character it is very difficult for the grower to determine. For example: In the early morning, as the farmer seeks to destroy the worm he finds in close proximity to the blade of corn it has just cut off, he sees a few crows in the same field, all busy feeding on something. Are those crows eating corn or cut-worm, or both? As the crow will not come to us and tell us, or disgorge into our hands, the only way to be sure of his diet is to examine the contents of his stomach.

We have just arrived at that point where we must be certain of our bird before we praise or condemn. We are now only *beginning* to work intelligently and thoroughly to find out our friends and our

enemies. It is not, therefore, strange that the farmer has not known what birds were good and what birds were bad. To learn this he would have to make a study of the insects and of all kinds of seeds; he would have to trap or shoot birds, and having secured his specimens he would have to be an anatomist in order to profit by their possession. In fact, he would have to be too much for any one man. The farmer realizes that it is to his advantage to accept the assistance of the entomologist, the botanist and the ornithologist. It is only recently that our government has recognized the necessity of paying experts for investigation in the proper direction, in order to protect our staple crops from their enemies. Only recently have even ornithologists known how to find out what a bird eats and his consequent relation to agriculture. Only now do we realize that birds are enormous feeders and that in the aggregate they are capable of immense good or immense harm. Only since the indiscriminate destruction of our native birds and the introduction of a foreign pest that threatens sad havoc everywhere, do the people call for help from the State and from the National Government. It is only now that our State has published a report of our birds. A word about this admirable report of Dr. Warren, the ornithologist of your Board. Turn to a description of whatever bird, and you will find that which interests you most, a description that enables you to identify it with the story of its food habits, so far as known. I consider this report the best yet published anywhere as an aid to a correct knowledge of the relation of birds to agriculture. Keep it where you can refer to it; notice the birds and their habits; learn their names, their differences in color, size and flight; encourage the good ones; make war upon the bad ones, and you will be the gainer in knowledge and in profit.

I have been thus digressive in order to show how necessary it is to have a knowledge of birds before we can make or enforce good laws pertaining to them. We have seen our songsters, who were constantly protecting our crops, ruthlessly slaughtered to gratify a fashion; we have been offering bounties on the scalps of birds who were doing more good than harm, and have increased the vermin in our fields and gardens in a relative proportion. We have watched the rapid increase of an unfortunate importation to our cities and towns until paved streets no longer confine it, and the grain fields of our whole land are threatened with destruction by our once petted little English sparrow. We are in fact threatened with *two* dangers, viz: destruction of our beneficent song and insectivorous birds and the destruction of our grain crops by countless thousands of grain-eating birds. The cry came years ago for aid in checking the disturbance. At first much sentiment was mixed up with the idea of the regulation of the bird question. Our organization, the American Ornithologists' Union, composed of the prominent students of birds, appointed a committee for the protection of birds, another for the investigation of the English sparrow; the National Government added a division of economic ornithology and mammalogy to the Department of Agriculture. The task of intelligently regulating the bird question is not an easy one, and the trouble has gotten such a start that it will take the combined efforts of a united people, with the hearty coöperation of all the States, to reform and correct the evil. All the committees and departments sent out circulars asking for facts and figures; societies responded; the press everywhere gave valuable assistance. Governors and legislators of many States became interested and put themselves

in communication with those who had information to give. Bulletins, pamphlets and reports were sent broadcast with the aim of educating the people. The Department of Agriculture at Washington received thousands of birds' stomachs, together with their contents. Individual birds were studied by ornithologists and the result of their investigations made public. The Audubon Society flourished until now its numbers count about fifty thousand. The Agassiz Society indorsed the Audubon movement and in turn instructed its youthful members to study, but never to wantonly destroy the birds. The bird laws in certain States were modified and in some States entirely new ones were passed, which were practically in accord with the recommendations of the bird experts.

When the subject of legislation was before our committee for weeks and months together, we unanimously, and we think wisely, decided to make two divisions of the birds, viz: game birds and non-game birds. Each of these classes requires vastly different laws, and moreover the game birds throughout the United States and Canada are pretty well protected and can be watched by the societies, wardens, etc., appointed for the special purpose. The non-game birds were generally poorly protected and should we tack on to already existing laws such changes as our song and insectivorous birds demanded, we should endanger the game bird law, create a division of sentiment, and probably overthrow the purpose desired. With this division there is perfect accord, and the workers in each class heartily cooperate with each other.

From the fact that your ornithologist's report is so earnestly read and sought for, that your granges, agricultural societies, horticultural societies and your own meetings discuss the birds eagerly and intelligently, and that your secretary has asked for this special paper, I am sure there can be no question as to the fitness of this present time for intelligent bird legislation.

Now, then, from the nature of these winged and wonderful creatures who play such a prominent part in the necessities, comforts, luxuries and pleasures of mankind, it is apparent to all that there should be a unanimity as far as possible in the bird laws of the various States. In an economic sense birds may be divided into three classes, viz: good, bad and questionable. Good birds are those most useful to man in fertilizing trees and plants, in feeding chiefly or wholly upon obnoxious insects, and in causing comparatively little injury to seeds, flowers, and fruits. They are by far the greatest in number and are generally correctly judged. These, to our shame be it said, must be legally protected from the thoughtless, malicious, cruel and greedy hands of men and boys.

The bad birds are those who do infinitely more harm than good and when so denounced by proper authority, should be outlawed by common consent and their numbers held in check by the most efficient means known. To this class the English sparrow (*Passer Domesticus*) has alone been adjudged, and that after years of study and consideration of testimony from thousands of witnesses in all parts of the land.

The questionable birds are those whose habits are sometimes good and sometimes bad, and against whom at best not enough testimony has been brought to light to warrant in condemning. In this class are the crows, blackbirds, jays and a very few of the birds of prey. Formerly most, if not all, of the birds of this class, were *denied* the benefit of the doubt and shot; but in recent careful and more

thorough investigation quite a revolution has taken place in our estimate of these birds, and in the light of to day we feel it safer to *give* them the benefit of the doubt and protect them along with the good birds, at least until their record is proven beyond doubt to be bad. I would here say that the only proof positive as to a bird's food habits acceptable to ornithologists, is the contents of its stomach; and *that* testimony should be held conclusive only, when it has been applied every month of the year and in all parts of its habitat.

But in this connection, and right here, it is well to remember a certain peculiarity about bird feeding; during that stage of the birds existence, from the moment of hatching until it is fully fledged, it is, so far as we know, nourished almost entirely upon animal food, whether it be larva, worm, insect, fly or flesh. Therefore when a bird is seen with a caterpillar, beetle or moth in its bill, it is not safe to decide that it is an insectivorous bird, for it may be taking food to its young, while preferring and eating grain for itself.

We have now reduced our legal wants to two :

1. Protection for all non-game birds except the English or house sparrow.

2. The outlawing and destruction of the English sparrow, *Passer Domesticus*.

Let us see against what abuses we must fortify our proposed bill for protection :

First. We must put a stop to the work of the feather collector, who, for the use of the milliner, slaughters our insectivorous birds of the finest plumage and sweetest song. Can there be any doubt that thousand of our beautiful birds are yearly sacrificed to a silly fashion? If feathers must be had for women's wear, are not those of our domestic fowl, of the game birds when killed for market, and the beautiful ostrich feathers grown especially for the purpose, sufficient for demands within reason? we think clearly, yes, and we would have our song birds increase in numbers and become more tame and domestic.

Second. We must put a stop to the nest robbing, stringing of eggs upon straws, and the too frequent use of fire-arms, sling-shots, pea-shooters and such. This mischief is in great part the work of the bad boy, or the thoughtless boy, who kills anything he sees just for the fun of the thing. Our best birds suffer to an enormous extent from this source, and nothing but the law and its stringent enforcement will remedy this long-standing evil.

Third. The indiscriminate killing of birds and collecting of eggs in the name of science. There is no desire on our part to check or to embarrass in any way the most thorough scientific investigation, nor to prevent any one from having a bird or a collection of birds mounted for his own pleasure and study; but under the plea "for scientific purposes," there is too little discrimination for either the good of birds or science. It is to prevent the abuse of this privilege and to assist honest collectors, that we recommend the issuing of permits to well-meaning and deserving persons of a suitable age. This plan is now in vogue in the State of New York and works well. It makes the collector feel secure in his right to go in all suitable places, and makes the owner of the land feel sure that he has a friend who will protect rather than destroy his birds.

Our second general want is easily expressed, but the outlawing and the extermination of the English sparrow is not so easily done. The

sparrow evil has its counterpart in the Canada thistle evil, and the longer we put off doing something definite the worse the evil becomes. We have had meeting after meeting, and discussion after discussion, upon the best way to advise the opening of the extermination war, but the sparrows are so numerous, and are so strongly entrenched in their positions that the task of anything like extermination seems beyond our power. I am told that the farmers in our State, particularly those in the eastern part, have become aroused to such a point that they see a remedy only in offering a bounty for the sparrow's scalp. It has been in the air for the past year that something definite *must* be done, for already the damage from the sparrow in our State is enormous, and increasing in geometrical proportion.

My facilities for observation and research have been of the best, both in the country and the city, and I have read much that has been written about this national pest. Before giving my conclusions, which are the result of much time and thought spent upon the subject, I will read a letter from Dr. C. Hart Merriam, the efficient ornithologist of the U. S. Board of Agriculture:

U. S. DEPARTMENT OF AGRICULTURE,
WASHINGTON, D. C., *January 9, 1889.*

DEAR MR. SENNETT: Your letter of the 8th instant has just come to hand, and in reply I take pleasure in sending you by this mail a copy of the matter relating to bounties, from our forthcoming report on the English sparrow. If you read this, you may speak of it as advance sheets from the forthcoming bulletin on the English sparrow (Bulletin No. 1, Division of Economic Ornithology and Mammalogy). Of course for your particular purpose the word Pennsylvania might be substituted for Ohio. The six page summary accompanying this report was prepared by Prof. Barrows for the meeting of the State Board of Agriculture which he attended last year, but, as you know, was not used.

Trusting that the State will not do so foolish a thing as to offer a bounty on sparrows, I remain,

Very truly yours,

C. HART MERRIAM,
Ornithologist.

All those interested in this important question would doubtless enjoy hearing the contents of the advance sheets of Dr. Merriam's report; but as it would take up too much of your valuable time, and I am fearful of wearying you, I will merely quote the necessary points as I take them from the summary of the work, prepared by Prof. Barrows.

Bounties—Reason Why Not Advisable.

[A] Without regard to expense.

- [1] The offer of a bounty appeals mainly, if not entirely, to men or boys who have no further interest in birds of any kind than that inspired by their cash values, hence very many valuable birds will be killed.
- [2] The ordinary safe methods of shooting and trapping are too slow to be profitable, and all sparrow killers will be tempted to use other methods—especially the most powerful and dangerous poisons. In this way domesticated birds and animals are sure to suffer, and even human life

may be endangered; while the wholesale use of such poisons, without regard to the seasons, will result in the death of many species of wild birds.

[3] Sparrows being most abundant in towns and cities, where fire-arms cannot be used, poison is certain to be resorted to at all seasons, and by the most irresponsible people.

[B] With regard to expense.

[1] A low bounty, one or two cents per head, would be useless, and any higher bounty is impracticable. The first is demonstrated practically by the Michigan law and its results, and the second by the Montana law on prairie dogs and ground squirrels; while both points are sustained by the hypothetical case to be mentioned presently.

Reasons Why a Low Bounty Would be Useless.

Sparrows can be killed in large numbers in but two ways, so far as we know; they may be poisoned or they may be regularly baited and then shot.

Poison cannot be used indiscriminately. Shooting into flocks cannot be practiced in towns and cities.

In the country shooting into flocks might yield fair results for a very short time, but the expense of grain for baiting, and the time consumed in watching would soon cause this method to be abandoned.

Shooting sparrows one at a time would be very expensive except under unusual conditions.

Bounties on Sparrows in Pennsylvania.

Area of State about 29,440,000 acres.

Let us figure on 20,000,000 acres of sparrow country, and allow two sparrows to the acre. We thus start with 40,000,000 sparrows.

If all killed at once, this would cost, at one cent apiece, \$400,000.

But a bounty of one cent would make no perceptible change in numbers.

Suppose, now, we have unlimited means, and hearty cooperation throughout the State, and kill as follows:

Jan. to April, 50 per cent.,	20,000,000
April to July, 40 " of remaining adults,	8,000,000
and 50 " increase,	20,000,000
July to Sept., 33½ " remaining adults,	4,000,000
and 50 " increase,	6,000,000
and 50 " immature,	10,000,000
Oct. to Jan., 40 " all remaining,	9,600,000
	77,600,000

And 14,400,000 left.

The second year, according to the same plan, would show, killed, 27,936,000

and 5,184,000 left.

Third year, killed, 10,056,960

and 1,866,240 left.

Fourth year, killed, 3,620,504

and 671,848 left.

Fifth year, killed, 1,303,385

and 241,865 left.

120,516,849

Cost of Bounties on Sparrows.

Such a reduction in numbers could not be accomplished except by very high bounties, if at all, but even at one cent per head, the first year's work would cost, in bounties, \$776,000.

At two cents each, it would cost	\$1,552,000
At three " "	2,328,000
At four " "	3,104,000
At five " "	3,880,000

The second year the rate would have to be doubled at least; although even then it would not be so expensive as the first. Supposing the rate were doubled each successive year, we should find the total bounties for five years to be as follows:

Starting at one cent each, ...	\$2,235,180
" two cents each, ...	4,470,360
" three cents each, ...	6,470,540
" four cents each, ...	8,940,721
" five cents each, ...	11,175,901

Cost of Poisoned Grain.

Arsenic costs about seven or eight cents per pound and four pounds will poison a bushel of wheat (60 lbs.), so that a bushel of arsenic-poisoned wheat would cost from a dollar to a dollar and a quarter, according to the price of wheat; and corn meal poisoned in like manner would cost about the same. This amount of poison, however, is much larger than any one person would need to use, and probably would be sufficient to kill more than 25,000 sparrows.

Strychnine is much more expensive than arsenic, but ordinarily an ounce of strychnine should not cost more than two dollars.

An ounce of strychnine dissolved in four gallons of water suffices to poison a bushel of wheat, which will cost, therefore, from \$2.75 to \$3 00 according to the price of wheat.

An ounce of average winter wheat contains about 700 kernels. A quart (30 oz.) contains about 21,000 kernels. A bushel (60 lbs.) contains about 672,000 kernels. Six or seven kernels poisoned as above would be amply sufficient to kill a sparrow, and hence a bushel of strychnine-poisoned wheat is enough to kill 100,000 sparrows.

I presume the facts and figures here given as the result of the National Government investigations, will seem to you simply astounding! Who would believe that a wretched little bird could so strongly intrench itself in such vast numbers in our Commonwealth that if anything like extermination could be accomplished, by offering a premium of one cent each for the worthless little scalps, who would believe that the paying of such a bounty would bankrupt the State?

The following also from advance sheets of the National Bulletin on the "English Sparrow," will show the effects of bounties in Montana.

Montana's Bounty Law on Prairie Dogs and Ground Squirrels.

Early in 1887 the territory of Montana offered a bounty of ten cents each on prairie dogs, and five cents each on ground squirrels. The act went into effect March 5, 1887, and the bounties paid during the next six months amounted to more than fifty thousand dollars. On September 12, 1887, the record of payments stood as follows:

153,709 prairie dogs at ten cents each, ...	\$15,370 90
698,971 ground squirrels at five cents each, ...	34,948 55

Total, ...	<u>\$50,319 45</u>
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It is stated that up to this time the number of prairie dogs and ground squirrels killed had had no perceptible effect on their abundance in the territory, and as the money in the treasury was exhausted, the Governor, with the permission of the President, called a special session of the Legislature and the act was repealed.

Beside its great cost, there are other reasons why a bounty seems objectionable. It opens up many ways of encouraging fraud, and bringing legislative actions into disrepute, so that a thoughtful man would hesitate a long time before approving such a measure. But while the case seems desperate, and an immediate cure is out of the question, there is no reason why a check shall not be put to the evil if the people are sufficiently in earnest to work together to that end. A gradual diminution of the numbers of the sparrows can also be made at a nominal cost to the State, if we adopt some reasonable plan of operation and give it time for a fair trial. Let us be once sure that we are working in the right direction to gain the desired end and we can hasten the accomplishment of our good work by increasing our forces and expenses to any desired degree.

Rest assured the sparrow has come to *stay*, and at our expense. Now shall we let him have the grain that should go into our granaries, or shall we set aside a good liberal sum out of the State Treasury and put it into the hands of men who will make the shortest work with him?

Whatever laws are passed remember it is only the rigid enforcement of them that will produce the required results, and that a large majority of our citizens must work together to make them successful.

Let me call your attention to a page or two of the advance sheets of the government reports heretofore referred to.

Section Second.—Recommendations for Legislation.

The following recommendations are respectfully submitted to the legislative bodies of the various states and territories.

1. The immediate repeal of all existing laws which afford protection to the English sparrow.

2. The enactment of laws legalizing the killing of the English sparrow at all seasons of the year, and the destruction of its nests, eggs and young.

3. The enactment of laws making it a misdemeanor, punishable by fine or imprisonment, or both—(a) to intentionally give food or shelter to the English sparrow, except with a view to its ultimate destruction—(b) to introduce or aid in introducing it into new localities—(c) to interfere with persons, means, or appliances engaged in, or designed for, its destruction or the destruction of its nests, eggs, or young.

4. The enactment of laws protecting the great Northern shrike or butcher bird, the sparrow hawk, and the screech owl, which species feed largely on the English sparrow.

5. The enactment of laws providing for the appointment of at least one person holding civil office, preferably the game constable, where such officer exists, in each town or village, who shall serve without additional compensation, and whose duty it shall be to destroy or bring about the destruction of English sparrows in the streets and parks and other places where the use of firearms is not permitted. In the larger towns and cities this office might be well imposed upon the commissioners of public parks.

In relation to the above recommendations a few remarks may not be out of place.

By reference to the summary of legislation which follows, it will be seen that the existing laws which affect the sparrow are not sufficiently explicit in most cases.

In only seven states do the laws mention the English sparrow specifically. In the State of New York it is a misdemeanor to feed or shelter the sparrow, and in Michigan a bounty of one cent per head is paid. Massachusetts, Rhode Island, New Jersey, Pennsylvania and Ohio simply except the English sparrow from the protection afforded most other small birds.

In twenty-two other states and territories which afford more or less protection to small birds, the English sparrow stands on the same footing with harmless or beneficial birds. In the laws of fifteen states the word "sparrow" is used without qualification, the birds so designated being entitled to protection, except that in the States of Illinois, Kentucky, Louisiana, Missouri, and Nebraska, any person may kill birds on his own land when they endanger his crops.

In Iowa, Kansas, Mississippi, South Carolina, Tennessee and Wisconsin, most small birds are protected, and sparrows are not among those excepted.

Eighteen other states and territories have no laws which have any bearing on the case.

It is evident therefore, that prompt and vigorous legislation is needed in all states where the English sparrow has become established, and even those states and territories not yet infested [if there be any such] would do well to take measures to keep the pest out. Whatever may have been the intention of the framers of laws which protect native sparrows, there can be no question that many people refrain from taking active steps against English sparrows, through the belief that they are protected under the law, and states whose laws are thus open to misinterpretation ought at once to define clearly the position of the English sparrow. Moreover, since the most effective warfare on this bird can be waged during the breeding season, any act intended to accomplish its destruction should distinctly authorize the destruction of its nest, eggs, and young.

It will be difficult doubtless, to enforce strictly a law which makes it a misdemeanor intentionally to feed or shelter the sparrow, but some such law will be found necessary in order to prevent the systematic propagation of sparrows in places where otherwise they might be completely extirpated, while it will serve also as a wholesome check on those individuals who do not believe the sparrow to be injurious, and would be glad to frustrate any plan for its destruction.

From what has been said you readily see that birds play a great part in the economy of our husbandry, and we cannot doubt that it is just as essential to protect the good birds as it is to destroy the bad ones.

Now let us examine the existing laws of our State as they pertain to the non-game birds. From Purdon's Digest, page 833, etc., under Game, I find that the only sections that interest us in our present discussion are sections twelve, thirteen, fourteen and twenty-nine. These laws, as compared with many state laws, are wonderfully simple and good. But in our experience of to-day, are somewhat vague and in one instance not strong enough; for instance, section twelve, as was the old custom, mentions by common name such families or gen-

era as it wishes to protect and wisely adds, "or any other insectivorous bird" in order to cover any bird that ought to be protected, but was not included in the list of names. We now know many birds that are not classed as insectivorous, which yet do eat some insects, together with obnoxious mammals and obnoxious birds, hence deserving well of the farmer. The shrike or butcher bird, the screech owl and the sparrow hawk all feed largely on the English sparrow and should therefore be protected. Many hawks and owls feed largely on mice, moles, rodents and beetles, thereby being infinitely more beneficial than harmful. Then section twenty-nine reads: "It shall be lawful at any season of the year to kill or in any way destroy the small bird commonly known as the English sparrow;" why not add a misdemeanor clause against feeding, harboring or protecting the bird? so that even if one does not want to prosecute some friend of the bird, at least the officer of the law can enter and destroy the nests, eggs and young, and thus help to protect the neighborhood against the outlaw. Then too, your present law offers no encouragement toward its own enforcement, by recognizing the service of officer or complainant as it might do in rewarding this friend of the public with at least half the fine.

It only remains for me to present for your consideration certain ideas and recommendations in regard to bird legislation, and these I sincerely hope may meet with your approval.

I submit the following act as embodying what I think to be the best ideas of our committee on the protection of birds, as to what is the most desirable bird law for our States, and being I know, fully in accord with the ideas of the Department of Economic Ornithology of the United States Department of Agriculture.

AN ACT for the Protection of Birds their Nests and Eggs.

SECTION 1. No person shall at any time, within the State, trap or expose for sale, or have in his or her possession after the same has been killed, any wild bird other than a game bird, under a penalty of not less than ten nor more than fifty dollars, or imprisonment for not less than five nor more than thirty days, or both, at the discretion of the court. For the purposes of this act the following only shall be considered game birds: The anatidae, commonly known as swans, geese, brant, and river and sea ducks; the rallidae, commonly known as rails, coots, mudhens and gallinules; the limicolae, commonly known as shore birds, plover, surf-birds, snipe, woodcock, sandpipers, tatters and curlews; the gallinae, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges and quails, all of which are governed by specific laws applying to each, and are not intended to be affected by this act.

SECTION 2. No person shall at any time, within this State, take or destroy the nest or the eggs of any wild bird, under a penalty of not less than ten nor more than fifty dollars, or imprisonment for not less than five nor more than thirty days, or both, at the discretion of the court.

SECTION 3. Sections one and two of this act shall not apply to any person holding a permit giving the right to take birds, or their nests and eggs, for scientific purposes, as provided for in section four of this act.

SECTION 4. Permits may be granted by the State Ornithologist or

by any incorporated society of natural history in the State, through such persons or officers as said society may designate, to any properly accredited person, permitting the holder thereof to collect birds, their nests or eggs, for strictly scientific purposes. In order to obtain such permit the applicant for the same must present to the person or persons having the power to grant said permit, written testimonials from two well known scientific men, certifying to the good character and fitness of said applicant to be entrusted with such privilege; must pay to said persons or officers one dollar to defray the necessary expenses attending the granting of such permits; and must file with said persons or officers a properly executed bond, in the sum of two hundred dollars, signed by two responsible citizens of the State as sureties. This bond shall be forfeited to the State, and the permit become void, upon proof that the holder of such permit has killed any bird, or taken the nest or eggs of any bird, for other than the purposes named in sections three and four of this act, and shall be further subject for each such offense to the penalties provided therefor in sections one and two of this act.

SECTION 5. The permits authorized by this act shall be in force for one year only from the date of their issue, and shall not be transferable.

SECTION 6. The English or European house sparrow (*passer domesticus*) is not included among the birds protected by this act.

SECTION 7. It shall be a misdemeanor under the penalty of not less than ten nor more than fifty dollars, or imprisonment for not less than five nor more than thirty days, or both, at the discretion of the court: (a) to intentionally give food or shelter to the English sparrow, except with a view to its ultimate destruction; (b) to introduce or aid in introducing it into new localities; (c) to interfere with persons, means or appliances engaged in or designed for, its destruction or the destruction of its nests, eggs or young.

SECTION 8. In all actions for the recovery of penalties under this act, one half of the recovery shall belong to the plaintiff, and the remainder shall be paid to the county treasurer of the county where the offense was committed.

SECTION 9. There shall be appointed [here state how he shall be appointed], a citizen of this state who is an expert naturalist, who shall be the State Ornithologist, who shall serve for at least two years or until his successor can be appointed, who shall receive a salary per annum [here state amount, and I should advise at least \$2,500 in order to secure an efficient and valuable man], who shall give the necessary bonds [here state amount of such bond], for all moneys, collections of natural history and archives entrusted to his care, and who shall devote his time exclusively to the interests of economic ornithology within the Commonwealth.

SECTION 10. All acts or parts of acts heretofore passed, inconsistent with or contrary to the provisions of this act, are hereby repealed.

SECTION 11. This act shall take effect upon its passage.

Comments—This act, with the exception of sections seven and nine, meets the approval of experts, and was passed by the State of New York nearly three years ago. The misdemeanor section was passed the year following and is practically the same as section seven here proposed. The law gives general satisfaction in the State of New York, the only complaint worth mentioning being that it is not more rigidly enforced, especially that portion dealing with the pugnacious sparrow. Section

nine is intended to provide means for a thorough and economical enforcement of this law, and an abatement of the enormous waste of property caused by the English sparrow. It may be that a separate bill should be prepared creating the office of State Ornithologist and giving the state power to allow that officer a sufficient sum of money to enable him to employ assistants and whatever materials and appliances might be necessary for the proper prosecution of the work.

What would seem a liberal appropriation toward checking the sparrow pest, would be but a bagatelle compared with what it would each year cost the state if it paid the small bounty of one cent each. I believe that \$20,000 in the hands of the right man will give better results than \$200,000 could accomplish expended in bounties.

At least the experiment could be tried without danger of bankruptcy and some of its advantages might be summed up as follows :

Millions of sparrows with their nests and eggs would certainly be destroyed. Good birds would be protected and thereby partly counteract the harm done by the sparrow.

A collection of all the birds of our State would soon be arranged for the benefit and instruction of all.

Various means of sparrow extermination would be thoroughly tested and the best selected.

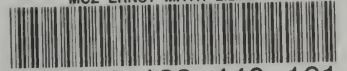
The results by annual report would be of immense value to agriculturists.

The very fact that the bird interest has an efficient head will stimulate and interest many apathetic citizens.

Since we have a great work which must be done, shall we not appoint an efficient man to do it?

I have no doubt but that the Legislature will gladly pass such laws as the State Board of Agriculture may recommend as most desirable.

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